

Remarks

After entry of the forgoing amendments, claims 39-49 and 51-63 are pending. Claims 39, 54-58 and 61-63 have been amended herein. No claims are canceled or added. Support for the amendments is found at least as set forth in the remarks below. Applicants submit that no new matter has been added with these amendments.

Applicants thank the examiner for withdrawing the rejection of claims 39-49 and 51-64 under §112, first paragraph.

Rejections under Section 112, Second Paragraph

Claims 51-63 were rejected as being indefinite for various reasons. First, claims 51-53, 55-57 and 61-63 were rejected for the use of vague and indefinite language with regard to n and m. The phrase "one of them" was found to not have proper antecedent basis. Applicants have amended claims 55-57 and 61-63 to replace "one of them" with "one of m or n". In addition, the Office action asserts that it is unclear how "m" or "n" can be a positive integer and be zero. Based on both the disclosure in the specification and the language in the claims, "m" can be 0-1 and "n" can be 0-16 with the proviso that only one of "m" and "n" may be 0. The language in the claims closely mirrors that found in the specification and would be readily understood by one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 51-53, 55-57 and 61-63 be withdrawn.

In addition, claims 54-63 were rejected because there is insufficient antecedent basis for the circle with the dot on the middle. This has been replaced with a circle without the dot as is used in the formula. Applicants therefore request that the rejection be withdrawn.

Rejections under Section 112, First Paragraph

Claims 54-63 were rejected for failing to comply with the written description requirement for the use of the circle with the dot in the middle. As discussed above, this has been replaced with a circle without the dot. Applicants therefore request that the rejection be withdrawn.

Rejections under Section 103

Claims 39-49, 51, 53-55, 57-61 and 63 were rejected as obvious over Baraldi et al. in view of Baird et al. Claims 52, 56 and 62 were rejected as obvious over Baraldi et al. in view of Baird et al. and Tam et al. The Office action also noted that the UK priority application does not disclose the optional double bond between C1 and C2. Thus, the claims in the present application were not entitled to the priority date.

Claims 39-49, 54 and 58-60

Claims 39, 54 and 58 have been amended so that there is an optional double bond at the C2-C3 position only. Therefore, claims 39, 54 and 58 (and their dependent claims) are now entitled to the priority date. (See, for example, the priority application at page 7, page 8 and page 14). Thus, Baraldi et al. is no longer available as prior art against claims 39-49, 54 and 58-60. The only remaining document cited against those claims in Baird et al. which does not point to the present invention. Baird et al. is solely concerned with polyamides of so-called heterocycle amino acids. There is no mention anywhere in this document of pyrrolobenzodiazepine compounds as specified in the claims or collections of such compounds. Therefore, claims 39-49, 54 and 58-60 are not obvious in view of the cited references and Applicants request that the rejection of claims 39-49, 54 and 58-60 be withdrawn.

Claims 51-53, 55-57 and 61-63

Claims 51-53, 55-57 and 61-63 relate to compounds VIII, XII, XVI, VI, X, XIV, VII, XI and XV. Baraldi et al. discloses a conjugate of a linear heterocycle polyamide sequence with a pyrrolobenzodiazepine moiety. As the Office action correctly notes, Baraldi et al. does not disclose a collection of compounds and it does not describe a collection on a solid support. Baraldi et al. describes the preparation of a single conjugate only. No other alternative conjugate structures are taught or suggested.

The Office action asserts that the compounds described in Baraldi et al. read on many of the compounds set out in the claims. However, the compounds disclosed by Baraldi et al. comprise a terminal amidine-containing aminoalkyl group. This is not a feature of any of the compounds in the presently claimed collections. In claim 51, for example, the compound of formula (VIII) has a terminal of 1 to 15 amino acid residues combinatorial units, T. The terminal amidine-containing aminoalkyl group described by Baraldi et al. is not an amino acid residue combinatorial unit. The Office action has not demonstrated that one of ordinary skill in the art would dispense with the terminal amidine-containing aminoalkyl group described by Baraldi et al.

The Office action asserts that Baird et al. describes the solid-phase preparation of polyamide analogs and that the analogs should be viewed as a collection of compounds. However, Baird et al. does not describe the preparation of a collection of compounds. Scheme 6, which is referred to in the Office action, simply shows the stepwise, linear preparation of

single structure. The other compounds shown in the scheme are intermediates to the larger polyamide. There is no library of polyamide compounds.

The emphasis of Baird et al. is to reduce the time taken to prepare a polyamide structure "from months to days" through the use of machine-assisted solid-phase synthesis. (See page 6141). This is emphasized in the section **Solid Phase Synthesis** (at page 6142) where the requirements for the synthesis emphasize efficiency. Baird et al. looks to improve yield and preparation time for a single target compound. It does not discuss, or suggest, that collections of compounds should be produced.

Thus Baird et al., like Baraldi et al., describes the preparation of a single compound. Neither document teaches or suggests the preparation of a collection of compounds.

There is nothing in Tam et al. that is directly relevant to the present collection claims. While Tam et al. appears to deal with natural amino acid sequences, there is no obvious statement that the methods described relate to the preparation of collections of compounds. Each of the peptides synthesized is prepared individually as set out in the individual examples.

For these reasons, independent claims 51-53, 55-57 and 61-63 are not obvious in light of the cited references. Applicants request that the rejection be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. Should the examiner feel that any issues remain or wish to discuss anything further, the examiner is invited to contact the undersigned at the number below.

Respectfully submitted,


Charlene L. Yager
Reg. No. 48,887

Docket No.: 065435-9027-US00
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501